

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KHANH DUY HA

Petitioner

VS.

UNITED STATES OF AMERICA

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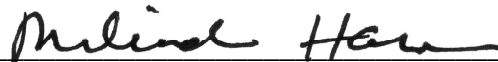
CRIMINAL ACTION NO. H-03-169

CIVIL ACTION NO.H-07-844

**OPINION & ORDER**

Presently before the Court are Movant Khanh Duy Ha's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 129); the Government's Answer and Motion to Dismiss (Doc. 137); and the Magistrate Judge's Memorandum and Recommendation (Doc. 138), recommending that the Movant's Motion to Vacate, Set Aside or Correct Sentence be denied and the Government's Motion to Dismiss be granted. No objections have been filed to the Magistrate Judge's Memorandum and Recommendation. After carefully considering the record and the applicable law, the Court ORDERS that Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and that the Government's Motion to Dismiss is **GRANTED**. The Court adopts the Magistrate Judge's Memorandum and Recommendation in full.

SIGNED at Houston, Texas, this 16th day of April, 2009.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE